

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM *NICS E-Check*

Brady Act Requirements

In November 1993, the Brady Handgun Violence Prevention Act of 1993 (Brady Act), Public Law 103-159, was signed into law requiring Federal Firearms Licensees (FFLs) to request background checks on prospective firearm transferees. The permanent provisions of the Brady Act, which went into effect on November 30, 1998, required the U.S. Attorney General to establish the National Instant Criminal Background Check System (NICS) so that any FFL may contact by telephone, or by other electronic means, for information to be supplied immediately, on whether the transfer of a firearm would violate Section 922 (g) or (n) of Title 18, United States Code, or state law.

NICS Operations and the NICS E-Check

Depending upon the level of each state's participation with the NICS, every FFL is provided access to the NICS via one of the following three ways:

- Through a designated state point of contact (POC) for those states that have chosen to implement and maintain their own Brady NICS Program;
- Through the FBI Criminal Justice Information Services (CJIS) Division's NICS Section for those states that have declined to serve as a POC for the system (non-POC states); or
- Through the designated state POC for handguns and the NICS Section for long guns.

In the non-POC states, the FFLs contact the NICS using a toll-free telephone number to provide the requisite information to a customer service representative who initiates the check on their behalf. However, Title 28, Code of Federal Regulations, Part 25, NICS Regulations, allowed for the development of other electronic means of contact as alternatives in addition to the telephone.

Therefore, the NICS Section, in a joint effort with the CJIS Division's Information Technology Management Section, Lockheed Martin Energy Systems, Science

Applications International Corporation and an FFL focus group, developed the NICS E-Check. This function enables the FFLs to conduct an *unassisted* NICS background check for firearm transfers via the Internet. The FFLs, via electronic communication, data enter the prospective firearm transferee's descriptive information directly into the NICS and initiate the transaction search process.

The NICS E-Check is easy to use once the registration process has been completed. However, to utilize the NICS E-Check capability, certain restrictions apply:

- You must be a registered FFL;
- You must have Internet access; and
- You must use a Web browser with 128-bit encryption technology.

Currently, the NICS E-Check is only available in those states whose FFLs are serviced by the NICS Section inclusive of those states whose FFLs contact the NICS Section for long gun transactions only.

Security

Access to the NICS E-Check is restricted through computer software and certification authority, thereby providing secure and restricted access. The NICS E-Check is monitored 24/7, for misuse, etc. In addition, the NICS E-Check denies access to any individual whose identification is not known to the system.

Benefits of Using the NICS E-Check

- A more accurate search facilitated based on the direct entry of descriptive data by the transaction originator, thereby increasing data integrity.
- The ability to retrieve NICS background check results 24/7.
- The ability to retrieve all checks initiated at the NICS Contracted Call Centers or via the NICS E-Check.
- The ability to print completed NICS background check search requests.
- Increased usability for the hearing and speech impaired.
- The availability of messages regarding the NICS operational status.
- Added customer protection against identity theft.
- Added safeguard against theft of license number and codeword.

Additional Information

For additional information pertaining to the NICS E-Check or the system's availability in your state, you may contact the NICS Section at 1-877-FBI-NICS (324-6427) (select option three) or access the NICS E-Check Web site.

NICS Section Information:

1-877-FBI-NICS (324-6427)
Select Option 3 for NICS E-Check

Facsimile:

1-888-550-6427

Telecommunications Device for the Deaf (TDD):

1-877-NICS-TTY

NICS Web Site:

www.fbi.gov/nics

NICS E-Check E-mail

Address:

echeck@leo.gov

NICS E-Check

Web Site:

www.nicsezcheckfbi.gov

November 2011



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